IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
Writ Petition No. 672 of 2005 (S/S)

1. Raj Kumar Singh Rana
   S/o Shri Kare Singh Rana
   Presently posted as Assistant Teacher,
   Junior High School, Saur,
   Block Kotabagh,
   District – Nainital
2. Bhanu Prakash Gupta
   S/o Shri Ram Avtar Gupta
   Presently posted as Assistant Teacher
   Purva Madhymik Vidyalaya, Hali
   Block Betalghat
   District – Nainital …Petitioners

Versus

1. State of Uttaranchal
   through Secretary Basic Education,
   Government of Uttaranchal, Dehradun

2. The Joint Director of Education, (Basic)
   Kumaon Division, Nainital, Uttaranchal
3. The Basic Shiksha Adhikari (Service)
   Nainital

4. The Basic Shiksha Adhikari
   Udham Singh Nagar …..Respondents

Sri Deep Joshi, learned counsel for the petitioners.
Sri Harendra Belwal learned Standing Counsel for the respondents.

Hon'ble B.C. Kandpal, J.

By way of this Writ Petition, the petitioners have sought a writ in the nature of mandamus commanding the respondents to relieve them to District Udham Singh Nagar from District Nainital on the vacant post of Assistant Teacher.

Brief facts as per the writ petition are that the petitioners were appointed as Assistant Teacher at Nainital.

In the year 1995, new District Udham Singh Nagar was bifurcated from Nainital and at that time the petitioners were asked to give option for District Udham Singh Nagar. The petitioners gave their option. Thereafter the petitioners made several representations before the authority concerned to

relieve them to District Udham Singh Nagar for which they opted but of no vain, hence this writ petition.

Heard learned counsel for the petitioners, learned Standing Counsel for the respondents and perused the record.

The petitioners have filed the copy of the judgment passed in writ petition no. 837 (S/S) 2001, Mahendra Singh Yadav and others Vs. Joint Director of Education (Basic), Kumaon Division, Nainital and others and has submitted that in the identical matter this court has been pleased to direct the Joint Director of Education to transfer the petitioners from District Nainital to District Udham Singh Nagar.

I have gone through the judgment passed by this court in the writ petition as stated above and I am of the view that this matter is identical to the matter which has been decided by this court vide judgment and order dated 23.07.2004

I accordingly direct the Joint Director of Education (Basic), Kumaon Division, Nainital, Uttaranchal, if he is holding the charge of Basic Schools and in case he is not holding the charge of the Basic Schools, the authority who is In-charge of the Basic Schools, shall decide the representation moved by the petitioners within a period of four weeks from the date of receipt of a certified copy of this order alongwith their representation before the respondent no. 2 / In-charge Regional Basic School Kumaon Mandal within ten days from today.

With these directions, the writ petition is finally disposed of.

(B.C. Kandpal, J.)

7th June, 2005
Shiv